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Question of the Falkland Islands (Malvinas)

Letter dated 10 January 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to refer to the letter dated 29 October 2010 from the Permanent Representative of Argentina (A/65/553) addressed to you, transmitting in an annex a copy of a note dated 26 October 2010 submitted by the Republic of Argentina to the United Kingdom, in relation to military exercises on the Falkland Islands.

The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands, and the surrounding maritime areas of both Territories.

The Government of the United Kingdom has responded previously to the earlier protest note of the Government of Argentina on military exercises on the Falkland Islands (A/65/539). The Government of the United Kingdom repeats that such misunderstandings could be easily avoided if the Republic of Argentina were to agree to regular military-to-military discussions, communications and confidence-building measures. The United Kingdom likewise remains open to discussions on other issues relating to cooperation in the South Atlantic.

I have the honour to transmit herewith a copy of the latest note from the United Kingdom to the Secretary-General of the International Maritime Organization (see annex). I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 45.

(*Signed*) Mark **Lyall Grant**

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Annex to the letter dated 10 January 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

16 December 2010

Her Britannic Majesty's Foreign and Commonwealth Office presents its compliments to the Secretary-General of the International Maritime Organization (IMO) and has the honour to refer to the letters dated 14 October and 26 October 2010 from the Chargé d'affaires a.i. and Alternate Permanent Representative of the Argentine Republic to IMO concerning the live firing of Rapier anti-aircraft missiles in the Falklands Islands, and its Government's protest note of 9 October to the Government of the United Kingdom of Great Britain and Northern Ireland concerning the same.

The United Kingdom regrets the tone of the letters under reference, and that the Republic of Argentina seeks to politicize issues in a non-political technical body such as IMO.

The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands and over South Georgia and the South Sandwich Islands, and the surrounding maritime areas of both Territories.

The United Kingdom replied on 21 October 2010 to the original protest note of the Government of Argentina dated 8 October 2010. That reply made clear that these are routine military tests of short-range missiles that have taken place approximately every six months since the invasion of the Falkland Islands by the Republic of Argentina in 1982. The protest note of the Government of Argentina dated 28 October 2008 shows that it was aware of these routine exercises. The October 2010 tests do not represent any change in the defence posture of the United Kingdom in the South Atlantic.

The United Kingdom of Great Britain and Northern Ireland has an exemplary safety record for missile firings in the Falkland Islands and takes its responsibilities for the safety of life at sea very seriously. The United Kingdom has always issued a local NAVWARN (navigation warning) to the Falkland Islands Government Fisheries Department, which in turn issues a local notice to mariners and sends a signal to the United Kingdom Hydrographic Office. Safety of life at sea has not been put at risk by these exercises.

The decision to augment United Kingdom safety procedures by issuing a NAVWARN to the NAVAREA (navigational area) VI coordinator ahead of planned missile firings between 11 and 23 October 2010 is a clear demonstration of the importance the United Kingdom attaches to safety of life at sea. The United Kingdom intends to continue to issue NAVWARNs to the NAVAREA VI coordinator before all future such missile firings.

The United Kingdom respectfully reminds the Republic of Argentina that it is the responsibility of NAVAREA VI to issue NAVAREA messages in accordance with IMO guidance on standardization of texts and message drafting and to promote the use of established international standards and procedures in the promulgation of navigational warnings with NAVAREA. NAVAREA VI received notification of the

missile firings in the Falkland Islands on 8 October 2010 and issued a NAVAREA message on 10 October 2010 which claimed that the area in question was illegally occupied and formed part of Argentine Territory. This political language is not in accordance with IMO guidance or established international standards and procedures. The United Kingdom asks that the Republic of Argentina encourage its NAVAREA VI coordinator to follow IMO internationally agreed guidance on NAVAREA message drafting.

The United Kingdom would also like to draw attention to a communication dated 4 September 2009 from the Embassy of the Argentine Republic in London to the depository for he International Convention for the Safety of Life at Sea (SOLAS). In this communication, circulated by the depository, the Argentine Government rejects the application by the United Kingdom of the International Convention for the Safety of Life at Sea to the Falkland Islands. In its letters dated 14 and 26 October 2010, the Government of he Republic of Argentina appears to suggest that the United Kingdom is infringing the same SOLAS regulations in the Falkland Islands that it wrongly asserts the United Kingdom cannot apply to the Falkland Islands.

The United Kingdom considers that such misunderstandings would be avoided if the Republic of Argentina were to agree to regular military-to-military discussions, communications and confidence-building measures as envisaged under the South Atlantic Working Group. These were last held in July 1994. The United Kingdom shared a paper with the Republic of Argentina in December 2009 outlining the willingness of the United Kingdom to resume military-to-military discussions under the South Atlantic Working Group. The United Kingdom regrets that the Republic of Argentina has not yet responded to that United Kingdom paper and repeats that it would welcome military-to-military discussions.

The United Kingdom requests that a copy of the present letter be circulated among the Member States of the International Maritime Organization as well as to other competent bodies of that organization.